

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number misc. Pari 1200

1. Agency Name & Address: NH Racing and Charitable Gaming Commission 57 Regional Drive Unit 3 Concord, NH 03301	2. RSA Authority:	<u>RSA 284:12, X; RSA 287-D, 1-b</u>
	3. Federal Authority:	<u>N/A</u>
	4. Type of Action:	
	Adoption	<u>X</u>
	Amendment	<u>X</u>
	Repeal	<u> </u>
	Readoption	<u>X</u>
	Readoption w/amendment	<u>X</u>

5. Short Title: **GAMES OF CHANCE**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Legislative amendments to RSA 287-D were made in HB 1302 (Chapter 285), HB 1509 (Chapter 291) and SB 310 (Chapter 371) in the 2008 Session which required changes to our current Pari 1200 rules. Those changes were made in interim rules which will expire in March 2009. Therefore, the proposed rules would readopt the changes made in the interim rules as regular rules which will not expire for 8 years. The proposed rules readopt requirements for licensing game operator employers, game operator license fees, game operator badge fees, fingerprints, administrative fines and orders and assessment procedures as well as new definitions and amendments to existing requirements. One new form for licensing game operator employers, which are the companies that run games of chance, is also being readopted.

In addition, the proposed rules have been amended to require charitable organization members, game operators and facility licensees to submit a fee for their State of New Hampshire criminal records checks. The fee is required by Saf-C 5703.06(a) and is currently set at \$15.00. However, that rule is in the process of being amended to increase the fee to \$25.00 and is expected to be in place by the end of 2008. The Commission has not previously collected this fee as the Commission believed that its applicants were exempt from the fee requirement and a waiver was obtained from the State Police, Criminal Records Unit. Discussions with the State Police, Criminal Records Unit and the Attorney General's Office have revealed that the Commission is no longer eligible for that waiver. However, the State Police, Criminal Records Unit has agreed to continue to waive the fee until January 1, 2009. Therefore, the majority of the Commission's applicants will already be licensed for 2009 prior to the new fee going into effect and will not have to pay this fee until they are licensed for 2010 at the end of 2009.

6. (b) Brief description of the groups affected:

The proposed rule will affect any charitable organization choosing to hold games of chance, members of charitable organizations who choose to participate in the operation of games of chance, companies which employ game operators and run games of chance on behalf of sponsoring charitable organizations, game operators who want to participate in the operation of games of chance and any games of chance facilities providing space for a charitable organization to hold games of chance.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Provision of the Proposed Rule	Specific State Statute which the Rule is Intended to Implement
Pari 1201.02 (a) and (b)	RSA 287-D:1-b, XIII
Pari 1202.01, 1202.04 – 1202.07, 1202.10 and 1202.12	RSA 287-D:1-b, XIII
Pari 1203.01 and 1203.02(a)	RSA 287-D:2, II
Pari 1204.01(b) intro., (b)(3), (c), (d), (e)(2), (f) intro., (g) intro. and (i)	RSA 287-D:1-b, I; RSA 287-D:2-a; RSA 287-D:2-d, I
Pari 1205.01 (b)(3), (c)(2) and (e), 1205.02 (a) intro., (a)(12), (a)(15) and (a)(16), 1205.03(a)	RSA 287-D:1-b, II and XI; RSA 287-D:2-a; RSA 287-D:2-d, I; RSA 287-D:8
Pari 1207.01 (a) intro., (b)(3), (c)(2) and (e), 1207.02 intro., (f) and (h), 1207.03(a) and (b)	RSA 287-D:1-b, II; RSA 287-D:2-a
Pari 1210.01 (a), (c) – (e), (g) – (i), (k), (l), (n), (o), (r) and (s)	RSA 287-D:1-b, VI; RSA 287-D:2-b; RSA 287-D:5; RSA 287-D:3, V
Pari 1211.01 (a), (b), (c)(1) and (d) and (e) – (i)	RSA 287-D:1-b, IX and XIII
Pari 1212.01 and 1212.02	RSA 287-D:1-b, IX; RSA 287-D:5; RSA 287-D:2-a, VII(e); RSA 287-D:2-c, VI
Pari 1213.01 (c) and (d)	RSA 287-D:1-b, IX; RSA 287-D:5
Pari 1214.01 – 1214.04	RSA 287-D:1-b, III, IV, IX and XI; RSA 287-D:2-c; RSA 287-D:2-d, III; RSA 287-D:8
Pari 1215.01(b), 1215.04(c), 1215.07(b), (d) and (e)(1) and 1215.08	RSA 287-D:1-b, VII and IV; RSA 287-D:2-a, VI; RSA 287-D:2-d, II
Pari 1216.01(a) and 1216.02(a)	RSA 287-D:1-b, X and XII-a; RSA 287-D:6
Pari 1217	RSA 287-D:6; RSA 287-D:1-b, XII-b
Pari 1218	RSA 287-D:3, IX and X; RSA 287-D:1-b, XII-b

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Sheri Eldridge
 Address: NH Racing and Charitable Gaming Commission
 57 Regional Drive Unit 3
 Concord, NH 03301

Title: Legal Coordinator
 Phone #: (603) 271-2158
 Fax#: (603) 271-3381
 E-mail: Sheri.Eldridge@racing.nh.gov
 TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, January 13, 2009 at the conclusion of the public hearing for these rules.**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, January 13, 2009 at 11:00 a.m.**

Place: **Commission's office, 57 Regional Dr., Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **08:263** , dated **11/26/08**

LBAO
FIS 08:263
11/26/08

Fiscal Impact Statement for New Hampshire Racing and Charitable Gaming Commission rules governing Games of Chance. [misc. Pari 1200]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules will have an indeterminable impact on revenues deposited into the special fund established pursuant to RSA 284:21-j and may increase costs to citizens and independently owned businesses to the extent they are licensed game operators. See 3 below.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

Any costs associated with the proposed rules of Pari 1217 and any increase in general fund revenue associated with Pari 1218 are attributable to RSA 287-D.

A. To State general or State special funds:

There will be an indeterminable impact on the revenues deposited into the special fund established pursuant to RSA 284:21-j. The establishment of the secondary game operator licensing fee of \$30 is estimated to increase revenue by \$33,000 (1,100 secondary game operators * \$30) and the \$10 identification badge fee is estimated to increase revenue by \$11,540 ((54 primary game operators + 1,100 secondary game operators) * \$10). There may be an indeterminable decrease in revenue if a facility requests and meets the criteria to be exempt from a license.

B. To State citizens and political subdivisions:

To the extent a citizen is a game operator, they will have a new fee of \$10 for an identification badge. If a citizen is a secondary game operator they will have a licensing fee of \$30. RSA 287-D:2-d allows the Commission to establish a fee up to \$45 per license but at this time the Commission believes a \$30 licensing fee is sufficient. In addition, members and game operators will be required to pay the fee established in Saf-C 5703.06(a) for criminal record checks. The fee is currently \$15, but it is expected to increase to \$25 by January 2009. There is no cost to political subdivisions.

C. To independently owned businesses:

To the extent an independently owned business is a game operator, they will have increased costs associated with the identification badge fee and may have increased costs associated with licensing secondary game operators. Also, game operators and individuals listed on facility applications will be required to pay the criminal record checks fee established in Saf-C 5703.06(a). See 3B above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not apply to any political subdivisions. Therefore, there is no violation of Part I, Article 28-a of the NH Constitution because the proposed rules do not mandate or assign any program or responsibilities to any political subdivisions.